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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

REV. CALVIN WARREN,

Plaintiff,

v.

BILLY GRAHAM, et al.,

Defendants.

Case No. 2:07-CV-00599-KJD-GWF

**ORDER**

On May 11, 2007, the Magistrate Judge issued an Order & Findings and Recommendations (#3) recommending that Plaintiff's Complaint be dismissed with prejudice based on an indisputably meritless legal theory and frivolity.

Pursuant to Local Rule IB 3-2, any objection to a Magistrate's finding and recommendation must be in writing and filed with the Clerk of the Court within ten (10) days. The Supreme Court of the United States has held that failure to file objections within the specified time is commensurate to waiving appeal of a magistrate's report and recommendation. Thomas v. Arn, 474 U.S. 140 (1985).

To date, Plaintiff has failed to file any objection to the Magistrate's Findings and Recommendations (#3). Therefore, the Court finds that Plaintiff has waived any objection to said Findings and Recommendations.

Furthermore, having reviewed Plaintiff's Complaint (#2) in full, the Court agrees with the Magistrate's assessment that the case is meritless. As the Magistrate pointed out, a complaint should

1 be dismissed for failure to state a claim upon which relief may be granted “if it appears beyond a  
2 doubt that the plaintiff can prove no set of facts in support of his claims that would entitle him to  
3 relief.” Buckey v. Los Angeles, 968 F.2d 791, 794 (9th Cir. 1992).

4 A complaint may be dismissed as frivolous if it is premised on a nonexistent legal interest or  
5 delusional factual scenario. Neitzke v. Williams, 490 U.S. 319, 327–28 (1989). Moreover, “a  
6 finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational  
7 or the wholly incredible, whether or not there are judicially noticeable facts available to contradict  
8 them.” Denton v. Hernandez, 504 U.S. 25, 33 (1992). When a court dismisses a complaint under 28  
9 U.S.C. § 1915(e), the plaintiff should be given leave to amend the complaint with directions as to  
10 curing its deficiencies, unless it is clear from the face of the complaint that the deficiencies could not  
11 be cured by amendment. See Cato v. United States, 70 F.3d 1103, 1106 (9th Cir. 1995).

12 In his Complaint, Plaintiff alleges that the Reverend Billy Graham, the Polices [sic] in Las  
13 Vegas and across America, George Bush, Dr. Jerry Farwell, Bill Clinton, and several others  
14 performed an operation and placed “technology” into his arm without his consent. Plaintiff alleges  
15 that the “technology” was used to control Plaintiff so that people could perform sexual acts with him  
16 against his will. As a result, Plaintiff alleges that both his constitutional and religious rights have  
17 been violated for the past thirteen (13) years.

18 Here, like the Magistrate Judge, the Court also finds that Plaintiff’s allegations are irrational  
19 and frivolous. Accordingly, the Court hereby dismisses the case pursuant to 28 U.S.C. § 1915(e) due  
20 to its meritless legal theory and frivolous nature.

21 **IT IS HEREBY ORDERED** that Plaintiff’s Complaint is **DISMISSED** with prejudice.

22  
23 DATED this 23rd day of May 2007.

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Kent J. Dawson  
United States District Judge